

MINUTES

ZONING MEETING
KEY BISCAWAYNE, FLORIDA

TUESDAY, JANUARY 26, 2010

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 9:50 p.m. Present were Councilmembers Michael Davey, Robert Gusman, Michael E. Kelly, Jorge E. Mendia, Thomas Thornton, Vice Mayor Enrique Garcia and Mayor Robert L. Vernon. Also present were Village Manager Genaro "Chip" Iglesias, Village Clerk Conchita H. Alvarez and Village Attorney Chad Friedman.

2. **AGENDA:** Councilmember Davey requested the deferral of Item 7A5 to the February 9, 2010 Council Meeting. At this time Councilmember Kelly thanked the staff and the public for their help in making the Business Summit a great success. There was no objection to the agenda change.

3. **APPROVAL OF MINUTES:** Vice Mayor Garcia made a motion to approve the minutes of the January 12, 2010 Regular Council Meeting. The motion was seconded by Councilmember Kelly.

Councilmember Kelly made an amendment to page 3 of the minutes by adding the following phrase at the end of paragraph 3: "and it is not to address high school issues". There was no objection to the request.

The minutes, as amended, were approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor

Vernon voting Yes.

4. **BUILDING, ZONING AND PLANNING:** All witnesses giving testimony in the hearing were sworn by the Clerk.

Hearing Number RV - 31. The applicant Mijo KB, LLC, 500 S. Mahsta Drive, is requesting the following variances: 1.) To permit a dock to project 40 ft. from a bulkhead when the maximum projection is 25 ft. as set forth in Section 30-100(f)(3)(a)(3) of the Zoning and Land Development Regulations; 2.) To permit a watercraft to project 8 ft. 6 in. outside of the triangle as set forth in Section 30-100(f)(3)(a)(5) of the Zoning and Land Development Regulations.

Bibi Villazon with Trident Environmental Consultants, Inc., on behalf of the applicant, addressed the Council requesting to amend the application by withdrawing the second variance.

Director of Building Zoning and planning addressed the Council recommending to deny the request because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

The Mayor opened the public hearing. James Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

The Attorney addressed the Council regarding this variance.

Councilmember Davey made a motion to approve the variance for a 40' dock subject to the following condition: that coast guard approved lighting be applied to the 3 fender pilings connected to the dock and that an additional mooring pile be placed 20' northwest of the dock and 40' from the bulkhead within the D-5 triangle. The motion was seconded by Councilmember Gusman and failed by a 3-4 roll call vote. The vote was as follows: Councilmembers Gusman, Mendia and Vice Mayor Garcia voting Yes. Councilmembers Davey, Kelly, Thornton and Mayor Vernon voting No.

5. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT; AMENDING THE HOUSING ELEMENT; AMENDING THE INFRASTRUCTURE ELEMENT; AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; AMENDING THE FUTURE LAND USE MAP;

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PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Councilmember Davey made a motion to defer the first reading of the ordinance to the February 9, 2010 Council Meeting. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk read the following ordinance on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 26, ARTICLE II "GOLF CARTS" OF THE VILLAGE CODE OF ORDINANCES RELATING TO GOLF CART USE WITHIN THE VILLAGE; AMENDING SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO GOLF CART PARKING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kelly made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Davey.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

It was the consensus of Council to direct staff to substitute Metro-Dade County for Miami-Dade County wherever it appears in the ordinance.

Also, it was the consensus of Council, to direct staff to look into assigned parking spaces for golf carts as a buffer in front of restaurants with outside seating facing parking lots and throughout the Village.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

Councilmember Davey made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Kelly and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk announced the second reading of this ordinance on February 23, 2010.

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6. **RESOLUTIONS:** At this time Item 6B was heard:

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF KEY BISCAYNE AND CSA INTERNATIONAL, INC. PERTAINING TO SEAGRASS MITIGATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council recommending approval of the amendment to the Professional Services Agreement between the Village of Key Biscayne and CSA International for services related to the seagrass restoration and mitigation project.

Vice Mayor Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Gusman.

Ann McCarthy, Director, Coastal Restoration with CSA International and Tim Blankenship with Coastal addressed the Council regarding the seagrass mitigation.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE EXPENDITURE TO THE MIAMI-DADE POLICE DEPARTMENT POLICE ATHLETIC LEAGUE IN AN AMOUNT NOT TO EXCEED TWO-THOUSAND DOLLARS (\$2,000) FROM THE LAW ENFORCEMENT TRUST FUND TO SUPPORT THE POLICE ATHLETIC LEAGUE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Manager addressed the Council regarding this resolution recommending the purchase of the commemorative badges.

Vice Mayor Garcia made a motion to approve the resolution. The motion was seconded by Councilmember Davey and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Davey, Gusman, Kelly, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes.

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7. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:
Mayor and Councilmembers. The Mayor addressed the Council regarding the appointment of a Special Magistrate and an Alternative Special Magistrate.

The Mayor, with consensus of Council, appointed Mr. Timothy J. McCarthy as Special Magistrate and Ms. Mary DeCastro Foden as an Alternative Special Magistrate. These appointments will be from November 2009 to November 2010.

The Mayor also addressed the Council regarding the appointment of a Board Member to the Police Officers and Firefighters' Pension Plan. Dr. Robert L. Maggs' two year term expired on January 24, 2010 and did not wish to seek re-appointment. The Mayor, on behalf of the Council, thanked Dr. Maggs for his outstanding service to the Village.

The Mayor, with consensus of Council, appointed former Councilmember Steve Liedman to the Police Officers and Firefighters' Pension Plan. The appointment will be from January 26, 2010 to January 26, 2012.

The Mayor also addressed the Council requesting nominations to the Community Center Advisory Board and also nominations to the Youth Athletics Advisory Board.

Councilmember Kelly addressed the Council regarding causeway safety as it relates to motorists, cyclists and Fire Rescue Service.

The Manager addressed the Council assuring the Council that the Key Biscayne Fire Rescue Department is always ready to answer to any calls. The problem is, that most of the time the Village of Key Biscayne is not called to answer to emergencies that may occur on the Causeway.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Clerk did not submit a report.

Village Manager. The Manager did not submit a report.

8. **OTHER BUSINESS/GENERAL DISCUSSION:** There was no further business discussed.

9. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

10. **ADJOURNMENT:** The meeting was adjourned at 11:20 p.m.

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Respectfully submitted:

*Conchita H. Alvarez, MMC
Village Clerk*

Approved this 9th day of February, 2010:

*Robert L. Vernon
Mayor*

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.